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Attorney for Defendant

ABC PHONES OF NORTH CAROLINA, INC.

DOING BUSINESS AS VICTRA

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

ARIEL KLINK, on behalf of herself and all
others similarly situated;

Plaintiff,

v.

**ABC PHONES OF NORTH CAROLINA,
INC., DOING BUSINESS AS VICTRA**, a
North Carolina Corporation; and
DOES 1 through 50, inclusive,

Defendants.

Case No. 3:20-cv-6276

**DECLARATION OF ROBERT L.
SHIPLEY IN SUPPORT OF
DEFENDANT ABC PHONES OF NORTH
CAROLINA, INC. DOING BUSINESS AS
VICTRA'S NOTICE OF REMOVAL OF
STATE COURT ACTION TO FEDERAL
COURT**

[CLASS ACTION]

*[Filed concurrently with Defendant's Notice of
Removal; Civil Case Cover Sheet; Declaration
of Adam Reed in Support of Defendant's Notice
of Removal; and Exhibits]*

State Court Case No. RG20064133

State Action Filed: June 10, 2020

State Action Served: August 7, 2020

I, ROBERT L. SHIPLEY, hereby declare as follows:

1. I am the owner of the law firm of Robert L. Shipley, APLC, counsel for
Defendant ABC Phones of North Carolina, Inc. doing business as Victra ("Defendant"). I

1 make this Declaration in support of Defendant's Notice of Removal in the above-captioned
2 action. I have personal knowledge of the facts set forth in this Declaration or know of such
3 facts from my review of the case documents and the court docket in this matter. If called and
4 sworn as a witness, I could and would competently testify thereto. As counsel for Defendant,
5 Robert L. Shipley, APLC has received and now maintains in the ordinary course of business
6 all pleadings served on or by Defendant in the above-captioned action.
7

8 2. I understand that on or around June 10, 2020, Plaintiff Ariel Klink ("Plaintiff")
9 commenced a putative class action case against Defendant, Case No. RG20064133, *Klink v.*
10 *ABC Phones of North Carolina, Inc.*, in the Superior Court of California, County of Alameda
11 ("the Action").
12

13 3. I also understand that on August 7, 2020, Plaintiffs served Defendant's Agent
14 for Service of Process in California with the Summons and Complaint packet in this action.
15 As counsel of record for Defendant, Robert L. Shipley, APLC receives and keeps in the
16 ordinary course of business true and correct copies of the documents filed with the Court in
17 the Action and/or served on Defendant.
18

19 4. Attached hereto as **Exhibits "1" through "8"** respectively are true and correct
20 copies of the following: the Complaint (**Exhibit "1"**); Summons (**Exhibit "2"**), Civil Case
21 Cover Sheet (**Exhibit "3"**) Civil Case Cover Sheet Addendum (**Exhibit "4"**), ADR Packet
22 (**Exhibit "5"**); Notice of Hearing (**Exhibit "6"**); Order of Continued Hearing (**Exhibit "7"**)
23 and Minutes Re Continued Hearing (**Exhibit "8"**).
24

25 5. On September 1, 2020, Defendant filed its Answer by way of General Denial
26 and Affirmative Defenses as its Answer in the Action along with numerous Affirmative
27 Defenses in the Superior Court of California, Alameda County. A true and correct copy of the
28

1 Answer is attached hereto as **Exhibit “9”**.

2 **6. Exhibits “1” through “9”** represent all pleadings served on and/or filed by
3 Defendant to date.

4 I declare under penalty of perjury, under the laws of the United States of America and the
5 State of California, that the foregoing is true and correct. Executed this 4^h day of September 2020,
6 at Carlsbad, California
7

8
9 ROBERT L. SHIPLEY, APLC

10 Dated: September 4, 2020

By: /s/Robert L. Shipley

11 Robert L. Shipley

12 rshipley@shipleylaw.com

13 Attorney for Defendant

14 ABC PHONES OF NORTH CAROLINA,
15 INC. DBA VICTRA
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EXHIBIT LIST

Exhibit “1”

Complaint.....2

Exhibit “2”

Summons.....2

Exhibit “3”

Civil Case Cover Sheet2

Exhibit “4”

Civil Case Cover Sheet Addendum2

Exhibit “5”

ADR Packet2

Exhibit “6”

Notice of Hearing.....2

Exhibit “7”

Order of Continued Hearing3

Exhibit “8”

Minutes of Continued Hearing.....3

Exhibit “9”

ABC General Denial3

CERTIFICATE OF SERVICE

I, Robert L. Shipley, an attorney admitted to practice before this Court, do hereby certify that on September 4, 2020, I caused a copy of the foregoing **Declaration of Robert L. Shipley in Support of DEFENDANT ABC Phones Of North Carolina, Inc. dba Victra’s Notice of Removal and Exhibits “1” through “9”** to be served through the Court’s Case Management/Electronic Case Files (CM/ECF) system upon all persons and entities registered and authorized to receive such service.

ROBERT L. SHIPLEY, APLC

Dated: September 4, 2020

By: /s/Robert L. Shipley
Robert L. Shipley
rshipley@shipleylaw.com
Attorney for Defendant
ABC PHONES OF NORTH CAROLINA, INC.
DBA VICTRA